

JULY 12, 2005

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

Following a Work Session meeting, the Regular Session was called to order at 7:12 P.M., by Mayor Ferguson with Councilmembers Medina, Harriman, Miller and Nesbitt present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Acting Police Chief Robinson, Finance Director Hanson, Community Development Director Westbay, Public Works Director Coleman, Planning Technician Ruggera, Water Superintendent Balch, several interested citizens and the press.

Mayor Ferguson asked Council to add the following item to the Agenda under New Business "D": Car Show Insurance Request. Council concurred to add the item.

PUBLIC HEARING

Mayor Ferguson called the public hearing to order at 7:13 P.M. and stated the hearing is to receive public input on the Hotel and Restaurant Liquor License application for Las Palmas, Rafael Cisneros owner, 138 W. Tomichi Avenue, Gunnison, Colorado. The record reflects all of the City Councilors are present as are City Attorney Landwehr, City Manager Collins, and City Clerk Davidson.

Mayor Ferguson asked the applicant to come forward and identify himself. Mr. Rafael Cisneros came forward. The Mayor asked that any interested parties who wish to testify to identify themselves. No one came forward. City Clerk Davidson administered an oath to Mr. Cisneros.

Mayor Ferguson asked for a report from the City Clerk and the City Attorney. City Attorney Landwehr stated he had reviewed the application and it appears to be in order. City Clerk Davidson reviewed the preliminary investigation report. Council's packets have a copy of the memos from Police Chief Keehne, Building Official Sniffen and Fire Marshall Spritzer stating they have no objections to the approval of the application. City Clerk Davidson reviewed City Council's duties as the Local Licensing Authority and stated, if approved, the application will be forwarded to the State Licensing Authority for review and approval. Council is to determine if the application is complete, the needs and wants of the adult inhabitants of the neighborhood would be met by approving the license and if the applicant is of good moral character. Mayor Ferguson reminded Council the neighborhood is within the incorporated City limits of Gunnison, Colorado. City Clerk Davidson provided proof of publication of the public hearing notice, and proof of posting of the hearing notice sign. The Mayor invited the applicant to testify.

Mr. Rafael Cisneros, stated many people would like a drink with their meal and some have left the restaurant because they do not have a license at this time. He stated they should have received a copy of a petition from people wanting approval of the application.

Mayor Ferguson asked if anyone would like to speak in favor or in opposition of the application. No one came forward. Councilor Harriman asked if there were any restrooms in the restaurant as they were not depicted on the diagram. Mr. Cisneros explained where they were and City Clerk Davidson stated the diagram would be corrected prior to being sent to the State. Mayor Ferguson explained Council will take this item under consideration under New Business later in the meeting. Mayor Ferguson closed the public hearing at 7:21 P.M.

Consideration of Minutes:

Regular Session Minutes of June 28, 2005

City Clerk Davidson stated Councilor Harriman had found an error in the draft minutes and that a corrected copy of page one was distributed to them this evening prior to the meeting.

Councilmember Nesbitt moved and Councilmember Miller seconded the motion to approve the Regular Session Minutes of June 28, 2005, as submitted with the correction.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Action on Hotel & Restaurant Liquor License for Las Palmas, 138 W. Tomichi Avenue, Gunnison. A public hearing on this application was held prior in the meeting.

Councilor Miller moved and Councilor Nesbitt seconded the motion that the Hotel & Restaurant Liquor License for Las Palmas, 138 W. Tomichi Ave., Gunnison, Colorado, 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.

2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

4. The building where the application proposes to sell liquor - malt, vinous, and spirituous by the drink, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.

5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

- 4 - Beer and Wine Licenses
- 5 - Hotel/Restaurant Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 1 - Brew Pub License
- 8 - Tavern Licenses
- 2 - Club Type Licenses
- 6 - 3.2% Beer Type License

6. Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

7. All fees necessary for the application have been paid.

8. According to the information received by the Police Department of the City of Gunnison, Colorado, the Colorado Bureau of Investigation, and through testimony of the applicant before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

Bathje Minor Subdivision. Community Development Director Westbay informed Council the application is to subdivide an existing parcel, located at 604 S. 9th Street in the industrial zone, and comprised of 16,500 square feet into two equal parcels. During their review on May 11, 2005, the Planning and Zoning Commission established one condition, that site grading and drainage improvements on Parcel 2 shall not adversely affect Parcel 1, nor shall it

affect lots to the south on Block 8. This condition has been included as a plat note on the final plat. Staff recommendation is to approve the final subdivision application.

Councilor Nesbitt moved and Councilor Miller seconded the motion to approve the final plat of the Bathje subdivision.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.
Roll call vote, no: None.

Action on Awarding Bid for Water Tank Painting to Arizona Coatings.

Public Works Director Coleman and Water Superintendent Balch came forward and explained the original contract for the water tank painting was awarded to Thompson Coating. After numerous problems with Thompson Coating not following specifications, that contract was terminated and they were paid \$12,486.52 for the work they performed correctly. Arizona Coatings was the second lowest bidder. Staff recommends awarding the bid to Arizona Coatings in the amount of \$69,000. The City also recommends hiring an outside inspection service to ensure compliance with the bid specifications during the project.

Councilor Nesbitt asked if there was anyone local that can do this work. Director Coleman replied no, there is no one locally who can perform this type of work.

Councilor Nesbitt moved and Councilor Medina seconded the motion to award the water tank coating bid to Arizona Coating Applicators for the amount of \$69,000, to hire an outside inspection service to ensure compliance with the bid specifications and to authorize the Mayor to sign the bid contract.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.
Roll call vote, no: None.

Car Show Insurance Request. This item was added, with Council consensus, to the agenda at the start of the meeting and was discussed in the Work Session prior to the Regular Session.

Councilor Nesbitt moved and Councilor Miller seconded the motion to obtain insurance for the Gunnison Car Club's annual car show activities on August 26th and 27th under the City's insurance carrier, CIRSA, in the amount of \$554.57, to be paid from Additional Contracts for Service.

Roll call vote, yes: Nesbitt, Medina, Ferguson, Miller. Motion carried.
Roll call vote, no: Harriman.

Councilor Harriman moved and Councilor Miller seconded the motion that the Gunnison Car Club be strongly encouraged to voluntarily reimburse the City in the amount of the insurance coverage if they make a profit on the event.

Roll call vote, yes: Harriman, Ferguson, Miller. Motion carried.
Roll call vote, no: Medina, Nesbitt.

Councilor Miller moved and Councilor Harriman seconded the motion that the Mayor be authorized to sign the memorandum agreement for contract for service for the Gunnison Car Club car show insurance coverage.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 9, Series 2005; Re: Vacation of a Portion of West New York Avenue, Correcting Legal Description in Ord. 20, Series 1981; 2nd Reading.

Councilor Nesbitt introduced Ordinance No. 9, Series 2005, and it was read by title only by the City Attorney.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that Ordinance No. 9, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON CORRECTING THE LEGAL DESCRIPTION OF THE PORTION OF NEW YORK AVENUE VACATED PURSUANT TO CITY OF GUNNISON ORDINANCE NO. 20, SERIES 1981**, be introduced, read, passed and adopted on second reading this 12th day of July, 2005.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

Ordinance No. 10, Series 2005; Re: Adopting an Additional Appropriation for the Fiscal Year Ending December 31, 2005; 2nd Reading.

Councilor Nesbitt introduced Ordinance No. 10, Series 2005, and it was read by title only by the City Attorney including the \$7,500 monetary amount to be used to purchase dumpsters.

Councilor Nesbitt moved and Councilor Medina seconded the motion that Ordinance No. 10, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005**, be introduced, read, passed and adopted on second reading this 12th day of July, 2005.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.

Roll call vote, no: None.

City Attorney: Reported the closing for the sale of Webster Hall is scheduled for August 15. Mayor Ferguson stated he will be out of town but will execute the documents before he leaves.

City Manager: Mark Collins: Potential Change to Budget Line Items under Grants & Contracts for Service. The City Manager informed Council about a groundwater incident that occurred over the weekend. Groundwater flooded 10 residential units and two commercial units in the Aspen Apartments/Condos complex at 9th and Georgia. The Gunnison River has risen causing groundwater to flow through the valley alluvium where it hasn't migrated before. It is a naturally occurring event on private property and is not classified as a natural disaster/flood by FEMA. The City has been offering assistance to the owners and renters of the property. In addition, the paving of the Community Center should be complete tomorrow. City Manager Collins then informed Council, by City Charter, he is authorized to transfer line item funds to other line items within a budget section. He is proposing that FY 2005 \$12,500 for Main Street be moved to the Challenge Grants (\$4,000) and Additional Contracts (\$8,500) line items. The Additional Contracts line item would then be \$11,500, out of which Council allocated \$5,000 to the Small Business Development Center and approximately \$2,000 to the chuckwagon event. The balance in that line item is \$3,968.27. He wanted Council to be informed of these changes and to make any comments on the proposal. Council concurred with these changes.

Acting City Manager: Acting Police Chief Keith Robinson: Informed Council there will be an emergency drill table top exercise in Gunnison next Wednesday. It will involve a theoretical outbreak/quarantine situation.

City Clerk Davidson: Reviewed several upcoming meeting dates with Council including the Energy Impact Hearing in Steamboat Springs on Wednesday, July 20th, and the Upper Gunnison

River Water Conservancy District meeting on HB1177 Water Roundtable, scheduled for 1:00 P.M. also on Wednesday, July 20th.

Non-Scheduled Citizens:

Richard Karas came forward. Topics brought forth: 1. Asked Council to think about pass through donations by organizations receiving funding from the City such as the Car Club; 2. Was grateful to participate in the Council tour last week and asked if the City could offer that tour to citizens; 3. Asked Councilor Medina if the RTA had discussed dropping one bus run in order to add an extra evening run? Councilor Medina stated each run is tallied and the morning runs are always higher than the evening runs because people often find rides back home with other people; 4. Stated the e-packets are very helpful but they haven't been on-line. Mayor Ferguson informed him this is due to a server problem that is being corrected; and 5. He informed Council to keep in mind and to consider possible repercussions from terrorist acts shutting down the nation fuel and food supplies and how that would affect Gunnison.

General Discussion/Items for Work Session:

Councilor Medina: Report on Regional Transportation Authority Meeting. Councilor Medina stated bookings are up approximately 600 seats for this coming ski season but more need to be pre-sold in January; Club Med will be hosting more 4-day, mid-week programs; The cost of parking will be raised in Mt. Crested Butte and this will cause a greater need for mass transit; and he would like to schedule Scott Truex and John Norton on a future work session agenda to discuss transportation issues.

Councilor Harriman: Planning & Zoning Commission Meeting. The Commission took a tour and held a mini-retreat at their last meeting. They discussed upcoming issues including the Master Plan and Land Development Code review/updates.

Councilor Miller: Reported on Mayors'/Managers' Meeting. Councilor Miller first commended the Parks & Rec crew, the Public Works crew and the Police Department for all of the work they did on the Chuckwagon Cook-off event and the Fourth of July activities. From the Mayors'/Managers' meeting he reported: Building costs in Mt. CB are now \$800-900 per sq. foot; The Town Center and Prospect Project work is progressing; There will be a lottery for a chance to purchase one of the 93 new units on the Mountain; Crested Butte is facing the issue that they are running out of space to build within the Town limits, in-fill is almost complete; The County is looking at holding a mail-ballot election in November; the new long-range planner is Mike Pelletar from Glenwood Springs; The proposed detention center has a \$7.5 million price tag; The County is looking at adopting the International Codes; and they are looking at hiring a sage grouse issues coordinator.

Councilor Nesbitt: Asked if the County has submitted an application for the La Casa Project. Director Westbay stated no, but he has had a meeting with the County Manager on the issue. It may take a possible amendment to the City Code. The Tourism Association meeting has also been cancelled.

Mayor Ferguson: Asked Council to discuss/prioritize the agenda items for tomorrow's joint meeting with Gunnison County. Council discussion ensued.

Adjournment: The meeting adjourned at 8:42 P.M.

Mayor

City Clerk